

Remarks/Arguments

Claims 1, 2, 4-24, 34, 36-45, 47-51, 53-57, 59-63, 65-69 and 71 to 74 remain in the present application. Claims 25-33 remain withdrawn. Claims 3, 35, 46, 52, 58, 64 and 70 are cancelled. Claims 1, 4, 5, 15, 17, 20-24, 36, 39, 47, 50, 53, 56, 59, 62, 65, 68, and 74 are currently amended.

Claims 17, and 20-24 have been amended in order to avoid invoking 35 U.S.C. 112, sixth paragraph. In particular, all instances of phrases such as --the steps of-- have been deleted. Applicant wishes to note for the record that the amendments are neither narrowing, nor are the amendments being made for a reason substantially related to patentability. Applicant respectfully submits that no new matter has been added in the amendments.

Claims 1, 10, 15-19 and 34 were rejected under 35 U.S.C. 103(a) as being obvious in light of the combination of the cited references of US patent 6,452,718 B1 by Augustsson (Augustsson) and US patent 5,519,796 by Li (Li.) In order to overcome this rejection of claim 1, claim 1 has been amended to clearly state that the "optical amplifier" is a "semiconductor optical amplifier." In this way, the limitations of claim 3 have been incorporated into amended independent claim 1. As old claim 3 was objected to as being dependent upon a rejected base claim but otherwise allowable, it is apparent that claim 1 is now allowable and, therefore, no longer rendered obvious by the combination of Augustsson and Li.

According to the office action, claim 2 was "taught by port (44) of Augustsson." As claim 2 depends from amended claim 1 and amended claim 1 is no longer obvious in light of the cited references it is apparent that claim 2 is no longer obvious in light of the same combination of references.

Similarly claims 10 and 34 were rejected as being obvious in light of the combination of Augustsson and Li. As claims 10 and 34 depend from amended claim 1 and claim 1 is not obvious in light of the same combination of references it is clear that claim 10 and 34 can no longer be considered as obvious in light of those references.

Regarding claims 15 to 19, claim 15 has been amended and now recites,

"...providing energy to a plurality of semiconductor optical amplifiers; and, amplifying each optical signal corresponding to the specific wavelength channel separately and independently using at least a semiconductor optical amplifier of the plurality of semiconductor optical amplifiers."

Such a method is not taught by either of Augustsson or Li and therefore it is apparent that amended independent claim 15 is no longer obvious in light of the combination of Augustsson and Li. Claims 16 to 19 depend from amended, independent claim 15. As amended independent claim 15 is not obvious in light of the combination of Augustsson and Li it is clear that claims 16 to 19 are no longer obvious in light of the same references.

Claims 4, 5, 36, 39, 47, 50, 53, 56, 59, 62, 65, 68 and 74 have been amended to ensure that they do not depend from a claim that has been cancelled.

No other changes have been made.

Applicant looks forward to favourable reconsideration of the present application.

A Petition for Extension of Time is filed concurrently with this response.

Please charge any additional fees required or credit any overpayment to Deposit Account No: 50-1142.

Respectfully,



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